

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER CROOKER
131 Ten Rod Road
North Kingstown, RI 02852
Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION, a/k/a AMTRAK,
30th & Market Street
30th Street Station
Philadelphia, PA
Defendant.

DOCKET NO: 05-CV-10301 RCL

DEFENDANT'S PRE-TRIAL CONFERENCE REPORT

I. Statement of What Amtrak Expects The Evidence To Show

National Railroad Passenger Corporation ("Amtrak") expects the evidence to show that it was not negligent and that it did not create an unsafe workplace environment in violation of FELA or the Boiler Inspection Act. Furthermore, Amtrak expects the evidence to show that plaintiff's injuries, if any, were caused by his own negligence and his violations of Amtrak Safety Rules/Policies. Amtrak expects the evidence to show that plaintiff did not sustain his claimed of injuries while in the scope of his employment and that he violated several Amtrak Safety rules. Specifically, Amtrak expects the evidence to show that plaintiff's alleged injuries, if they did occur while in the scope of his employment with Amtrak, were caused when he simply failed to duck his head while he was exiting an Amtrak engine. The reason plaintiff failed to duck is because he was rushing to catch another train.

II. Defendant's Witness List

1. Defendant reserves the right to call each and every witness on plaintiff's list, including, but not limited to plaintiff, Ann Marie Crooker, Amtrak Maintenance Supervisor. In addition, Amtrak may call the following witnesses:
2. Dennis Drumheller- Amtrak Employee, Boston MA (fact witness),
3. Dean Davidson- Amtrak Employee, Boston, MA (fact witness),
4. John Newman- Amtrak Employee, Boston, MA (fact witness),
5. Keepers of Records, Amtrak (factual witness);
6. Lori Dinofrio, Canton, Massachusetts (factual witness);
7. Frederick Fournier, Boston, MA (Amtrak employee-fact witness);

8. Joseph Pires and Regan Ricciardi, Canton, Massachusetts (factual witnesses).

Amtrak reserves the right to supplement this list with reasonable notice to plaintiff. Additionally, plaintiff reserves the right to call rebuttal witnesses.

III. Expert Witnesses

Amtrak does not anticipate calling any expert witnesses.

IV. Exhibits

1. Amtrak Safety Rules
2. Medical Records of the plaintiff produced in discovery. Amtrak's medical and personnel files of the plaintiff.
3. Photographs and videotapes of the plaintiff.

Amtrak objects to the admission into evidence of Curriculum vitae of plaintiff's experts. Amtrak further objects to the admission into evidence of: the complaint and answer, the photos of other trains and other doors on which plaintiff was not injured, the defendant's discovery answers, plaintiff's W-2 forms from year 2000, 2005, and 2006, and any medical record, drawing, or chart not produced in discovery.

V. Stipulations

Amtrak will stipulate that plaintiff was an Amtrak employee on January 29, 2003.

Amtrak will stipulate that on January 29, 2003, it was a "railroad" engaged in interstate commerce as those terms are defined under FELA.

Amtrak will also stipulate that on January 29, 2003, it owned, controlled and maintained locomotive engine #837.

VI. Contested Issues

Liability, causation, whether plaintiff's injury incurred while he was engaged in the scope of his employment for Amtrak and damages.

VII. Amtrak does not foresee any jurisdiction issues and there are no pending motions. Amtrak does not anticipate amending its pleadings.

VIII. Length of Trial

Three (3) days, from 9:00AM to 1:00PM.

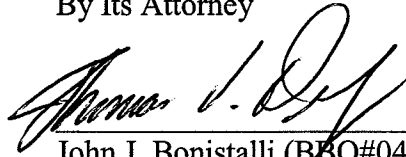
XIV. Settlement

Amtrak has made an offer of judgment pursuant to Fed. R. of Civ. P. 68 in the

amount of \$50,000.00 to which plaintiff has not responded.

National Railroad Passenger Corporation
a/k/a AMTRAK
By Its Attorney

Dated: 1-5-07



John J. Bonistalli (BBO#049120)
Thomas V. DiGangi (BBO # 648415)
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Boston, MA 02111
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CERTIFICATE OF SERVICE

I, Thomas V. DiGangi, attorney for the defendant, AMTRAK, hereby certify that a true copy of the foregoing document was sent via first class mail, postage prepaid, this 5 day of JANUARY, 2007 to: William L. Myers, Jr., Esq. Myers Lafferty Law Offices, 1515 Market Street, Suite 1310, Philadelphia, PA 19102; Mario Rozza, Esq., 63 Commercial Wharf, Boston, MA 02110.

